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Order Regarding Motion for Sentence Reduction

**UNITED STATES DISTRICT COURT**

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NORTHERN

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UNITED STATES OF AMERICA

District of NEW YORK

ORDER AND AMENDED JUDGMENT  
REGARDING MOTION FOR SENTENCE  
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

THOMAS BROWN

Case Number: 1:04-cr-537-001 (DNH)USM Number: 59195-066

Pro Se

Defendant's Attorney

Date of Previous Judgment: June 19, 2006  
(Use Date of Last Amended Judgment if Applicable)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

- DENIED     GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_ months **is reduced to \_ months.**

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 31Amended Offense Level:   Criminal History Category: IICriminal History Category:   Previous Guideline Range: 121 to 151 monthsAmended Guideline Range:    to    months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

Defendant's original sentence was a mandatory minimum and a reduction in the guideline range would not result in a sentence less than the original 120 months imposed.

All provisions of the judgment dated June 19, 2006 shall remain in effect.

**IT IS SO ORDERED.**May 6, 2009

Order Date

Effective Date (if different from order date)

David N. Hurd  
District Judge

